

telemetry service priority over other uses of this band by mobile services in Region 2.

CMC would like the Commission and the IAC to consider whether some portion of the 1492-1525 MHz band could be allocated to MSS (Space-to-Earth) to be paired with the proposed global MSS uplink band at 1675-1710 MHz. The amount of global spectrum allocated for the downlink need not correspond to the 35 MHz allocated for uplink MetSat/MetAids operations. We note that there have been discussions regarding this band in the past and we doubt that the Department of Defense's needs are such as to require the entire band for aeronautical telemetry operations. Nor, in our opinion, has it been shown that some degree of sharing would not be possible with MSS downlink operations.

CMC believes that discussions should continue within the United States to determine whether a portion of the "Columbus" band could be freed for MSS downlinks. Without such action on the part of the United States to demonstrate that it intends to implement use of the 1675-1710 MHz band, or a portion of that band, as a global MSS uplink band, we again find it difficult to see how this band could be allocated at WRC-95 with any assurance that it could become useful for MSS.

Before final determinations are made regarding proposals for new MSS allocations, we believe the Commission should consider incremental extensions for the 1.6/2.4 GHz bands to be available after the year 2005 (after GLONASS moves below 1604 MHz) and possibly a 4-5 MHz extension to the existing 1.6/1.5 GHz "L" band

allocations. The reason these proposed band extensions may have merit is that they do not have the large numbers of terrestrial radio relay stations that are now operating in the bands adjacent to the band extensions to 2 GHz that the Commission has proposed in the Second NOI.

B. Elimination of Secondary MSS in the Band 1930-1970 MHz and in the Band 2120-2160 MHz

CMC endorses the Commission's draft preliminary proposal to eliminate the Secondary MSS allocations (Earth-to-Space) for Region 2 made at WARC-92 in the band 1930-1970 MHz. We are not aware of any plans by any MSS operator in the United States or elsewhere in Region 2, to build mobile-satellite equipment to operate in this band. We note that the Commission again makes no mention of the companion MSS (Space-to-Earth) band allocated by WARC-92 on a Secondary basis in Region 2 at 2120-2160 MHz. CMC assumes this was an oversight and that the Commission intends, as well, to eliminate this companion secondary MSS allocation in Region 2 at 2120-2160 MHz. CMC supports the deletion of the secondary MSS allocation in both bands as there is no MSS commercial interest in these bands in our hemisphere.

C. Change in Status of Primary Region 2 MSS in 1970-1980 MHz to Secondary Status

The Commission is also proposing in the Second NOI to change the status of the Region 2 primary MSS allocation in the

1970-1980 MHz (Earth-to-Space) band to a secondary status allocation. The Commission's rationale appears to be derived from the final domestic frequency plan devised for terrestrial PCS. In the PCS Reconsideration Order, the Commission allocated spectrum from the 1850-1990 MHz band to terrestrial PCS operations. However, the Second NOI states that this proposed secondary status "...could allow some MSS operation."²²

CMC notes earlier comments by Celsat, Inc. regarding the initial Notice in this proceeding, which indicate that Celsat believes sharing between their MSS/GSO satellite handheld terminals and PCS handheld terminals may be feasible.²³ If this is the case, we question whether the United States should propose to lower the status from primary to secondary since some domestic operators like Celsat or AMSC may utilize this band. In any event, other countries could make use of this allocation even if it is not usable within the United States. From CMC's standpoint, we have no current plans to operate in the Region 2 MSS bands, because our interests lie in the global operations with Inmarsat or the ICO-P Affiliate, assuming that adequate global capacity will be available. Accordingly, CMC requests that the Commission reconsider its proposal for the 1970-1980 MHz band.

²²Second NOI at para 62, note 101.

²³Celsat, Inc. Comments, IC Docket No. 94-31, filed July 15, 1994.

D. Elimination of Primary MSS Allocations in the 1980-1985 MHz Band

CMC strongly opposes the U.S. proposal to downgrade global MSS allocations that have primary status. Accordingly, we cannot support the Commission's proposal to eliminate the primary MSS allocation in the 1980-1985 MHz band in all three ITU Regions. As the Commission itself notes, the 1980-1985 MHz band, while not fully usable for MSS in the United States because of the domestic PCS allocation, may be usable in other parts of Region 2. Moreover, the band certainly will be usable in other ITU regions and will provide additional spectrum for coordination between different global MSS systems.

As the Commission is aware, CMC's investment in ICO-P is predicated on opening the 2 GHz MSS bands in the full, paired 30 MHz of global MSS spectrum as soon as is practicable, within existing geopolitical constraints. The ICO-P system cannot meet its coverage and service goals if it does not have access to a sufficient amount of global MSS spectrum.

CMC notes that the Commission's proposal also appears to be in conflict with the proposed national Footnote RR 746C, which provides for early access for MSS in the United States in the "1970-2010 MHz and 2160-2200 MHz" bands.

In addition, the proposed change in primary allocation status for the 1980-1985 MHz bands is directly contradicted by the Commission's own logic, in paragraph 62 of the Second NOI, which indicates that a 5 MHz primary MSS overlap with the domestic PCS allocation would be permissible. If the U.S. can

tolerate a 5 MHz band overlap between domestic PCS and international MSS systems, then why not a 10 MHz overlap? In sum, we believe that the Commission's proposal is likely to cause much confusion on the international scene and may hurt other U.S. proposals for MSS to the detriment of MSS users, with nothing to be gained by the United States.

F. Generic MSS Allocations at L-Band

CMC recognizes that the United States proposed generic MSS allocations in the existing L-band at 1525-1559 MHz and 1626.5-1660.5 MHz at WARC-92 and that the Commission is proposing to do the same at WRC-95. We do not support this proposal for the same reasons that we have opposed making the existing L-band a generic allocation in the past.

It is extremely important, in our view, to preserve dedicated spectrum for AMSS and MMSS services which are so vital to the global aeronautical and maritime communities, particularly for safety considerations. We note that the United States and the other countries that desired generic MSS allocations at WARC-92 were able to obtain this status through appropriate country footnotes to the international table of allocations. The WARC-92 Conference as a whole did not support the U.S. proposal to make L-band generic and we know of no new circumstances to expect that WRC-95 would embrace such a proposal.

Considering the number and importance of the MSS issues on the WRC-95 agenda and the time that will also be needed for other

agenda items, we request that the Commission not attempt to make the issue of obtaining generic allocations at L-band a top priority at WRC-95. Such an effort would only consume valuable conference time, in our view, and would not lead to any useful result. Accordingly, we hope that the Commission would make this a low priority item for WRC-95.

V. OTHER ITEMS ON THE WRC-95 AGENDA AND PREPARATIONS FOR FUTURE CONFERENCES

The agenda for WRC-95 contemplates that the Conference will, as its first item, consider the Final Report of the Voluntary Group of Experts ("VGE") and will set the agenda for WRC-97 and develop a preliminary agenda for WRC-99. CMC agrees with the comments on these topics contained in the companion filing submitted in this proceeding by COMSAT World Systems ("CWS") and, thus, refers the Commission to CWS's submission for an in-depth response to these items.²⁴ We note below some particular comments regarding these items and the preparation for future Conferences.

While CMC supports the efforts of the VGE to simplify the Radio Regulations, we are concerned that the VGE agenda item could overwhelm the resources of the Conference and divert the Conferees from consideration of the MSS issues which must be resolved at WRC-95. Accordingly, CMC supports the U.S. proposal to the ITU-R Radiocommunication Advisory Group ("RAG") in January

²⁴See Comments of COMSAT World Systems, IC Docket No. 94-31, filed March 6, 1995.

1995, which contemplates the creation of two separate committees at WRC-95: one to address the VGE Report and the other to consider MSS issues. We agree with CWS that a further proposal is needed to limit the amount of time that can be spent on the debate of the VGE issues at the plenary sessions.

CMC also agrees with CWS that the priority items for WRC-97 will be the completion of WRC-95 agenda items that require action at WRC-97. As we indicated above, we do not believe that the Conferees are likely to adopt new allocations for MSS at WRC-95 because the necessary groundwork has not been established. CMC hopes that WRC-95 will identify candidate bands for new MSS spectrum so that consideration of these bands can go forward in the ITU-R, and that the Conference will allocate MSS feeder link bands. Accordingly, we think it likely that WRC-97 will need to consider new allocations for MSS service links, as well as additional MSS feeder link allocations.

Finally, we note that the Commission in the Second NOI has requested additional comments on the Commission's own planning and preparation processes for future Conferences. We commend the Commission for its efforts to date to reorganize its international and satellite functions into a single operating Bureau and to establish an office to continuously track the activities of the ITU-R and to prepare for future Conferences. We believe these efforts are positive and will improve the Conference preparation process. CMC also supports the additional suggestions made by CWS in its Comments regarding the need to

increase the liaison activity among the government agencies involved in the Conference preparation process and to provide the public with a broader opportunity to participate in the process of negotiating final U.S. proposals with the Commission and other government agencies.

VI. CONCLUSION

CMC strongly believes that the United States first priority at WRC-95 must be to facilitate the implementation of the WARC-92 2 GHz MSS bands. To accomplish this goal it is vitally important that WRC-95 address the issue of advancing the date of entry into force of the global MSS allocations and that it allocate viable MSS feeder link bands and identify additional MSS service link spectrum.

CMC appreciates the efforts of the Commission in working with the IAC to resolve the many issues of importance to the MSS industry that are on the WRC-95 agenda. We hope that the comments and suggestions made by CMC on the Second NOI will be useful to the Commission in finalizing the U.S. proposals for WRC-95 and for future conferences. We look forward to continuing

to work with the Commission and the MSS industry in the final preparations for WRC-95.

Respectfully Submitted,

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